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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,305	06/19/2001	Gregory Robert Roelofs	US000146	5732

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Corporate Patent Counsel  
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EXAMINER
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VAN HANDEL, MICHAEL P

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/886,305	ROELOFS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael Van Handel	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____  | 6) <input type="checkbox"/> Other: ____                                     |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4, 5, 8, 11-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Sawada.

Referring to claim 1, Sawada discloses a control system as claimed (see Figures 1, 3, 4A, 4B, 6, 11 and respective portions of the specification), for user control of an apparatus (video camera 24), wherein the system comprises:

- a generator (IEEE 1394 controller 26 and device information table 30) for supplying data (The IEEE 1394 controller 26 is used to transmit/receive data to/from devices on an IEEE 1394 serial bus 36a, 36b, 36c (col. 7, l. 13-15 and col. 4 l. 5-8)) to enable display of a control menu (the device information table 30 contains an HTML device description (col. 7, l. 5-8)) for control (the CGI script 112 contains information for remote control of the devices (col. 8, l. 45-46)) of the apparatus 24 on a display monitor (display sections 45, 51 of remote computer terminals 41, 47);
- a first interface (computer terminal 20) coupled between the generator 26, 30 (coupled to IEEE 1394 controller 26 and device information table 30 via IEEE 1394 bus 36b) and a data network (wide-area network 40, such as the internet (col. 4, l. 46),

computer terminal 20 is coupled to the wide-area network through IEEE 1394 bus 36a, gateway apparatus 12, and communication channel 38) for enabling the data to be transmitted to a remote location (terminals 41 and 47 can access gateway apparatus 12 via the wide-area network 40 and remotely control the video camera 24 (col. 4, l. 50-55));

- a second interface (gateway apparatus 12) coupled between the data network 40 (coupled through communication channel 38, IEEE 1394 bus 36a, computer terminal 20, and IEEE 1394 bus 36b) and the apparatus 24 for receipt of a user command from the remote location 41, 47 via the data network for control of the apparatus (terminals 41 and 47 can access gateway apparatus 12 via the wide-area network 40 and remotely control the video camera 24 (col. 4, l. 50-55)).

Referring to claim 2, Sawada discloses the system of claim 1, wherein the generator 26, 30 is integrated with the apparatus 24 (Fig. 1).

Referring to claim 4, Sawada discloses the system of claim 1, wherein the first interface comprises a home server (computer terminal 20).

Referring to claim 5, Sawada discloses the system of claim 1, wherein the second interface comprises a home server (gateway apparatus 12 can function as a home server (col. 4, l. 23-25)).

Referring to claim 8, Sawada discloses a software application (procedure executed by gateway apparatus 12 when a home device is operated from a terminal on the wide-area network (col. 10 l. 40-67, col. 11 l. 1-25) (Fig. 11)) for running on a home server 12 to enable user remote

Art Unit: 2616

control of an apparatus 24, the application redirecting data for an on-screen menu for control of the apparatus to a remote location on a data network (col. 10 l. 58-67).

Referring to claim 11, Sawada discloses a method of enabling a user to control an apparatus 24 from a remote location 41, 47 via a data network 40, comprising:

- enabling the user to retrieve a control menu via a data network for control of the apparatus via a display monitor (a system to externally control devices in which terminals 41 and 47 can access gateway apparatus 12 via wide-area network 40 and communication channel 38 and remotely control the devices individually (col. 4, l. 50-55) (Fig. 1). Terminals 41 and 47 incorporate WWW browsers 43 and 49 and can display their homepages on display sections 45 and 51 (col. 4, l. 47-49)); and
- enabling an interaction of the user with the control menu to cause, via the data network, an associated command to be sent to the apparatus from a transmitter local to the apparatus (in Figures 4A and 4B, Sawada discloses examples of a screen that allows the user to interact with a connected device, in this particular example a lamp (col. 7 l. 55-67 and col. 8, l. 1-8). The user instruction is sent to the device locally via an IEEE 1394 controller 58 (col. 6, l. 15-18)).

Referring to claim 12, Sawada discloses the method of claim 11, wherein:

- the apparatus 24 is controllable via a server 12 local to the apparatus 24 (gateway apparatus 12 can function as a home server (col. 4, l. 23-25) and be connected to home network devices 20, 24, 34 via an IEEE 1394 bus 36a, 36b, 36c (Fig. 1). The control section 18 of the gateway apparatus 12 controls the operations of different devices in a centralized manner (col. 4, l. 33-34)); and

- the enabling of an interaction of the user with the control menu also causes, via the data network, the activating of a script residing on the server (auxiliary storage apparatus 57 is connected to a CPU 50 in the gateway apparatus 12. The auxiliary storage apparatus 57 contains a CGI script 66 to operate home devices (col. 6, l. 4-6) (Fig. 3)).

Referring to claim 13, Sawada discloses the method of claim 12, wherein the script is customized (the control program of a device can be freely changed as required even after the home device has been installed (col. 7, l. 53-55)).

Referring to claim 14, Sawada discloses the method of claim 11, wherein:

- the apparatus 24 is controllable via a server 12 local to the apparatus 24 (gateway apparatus 12 can function as a home server (col. 4, l. 23-25) and can be connected to home network devices 20, 24, 34, via an IEEE 1394 bus 36a, 36b, 36c (Fig. 1)); and
- the enabling of an interaction of the user with the control menu also causes, via the data network, the supplying of an input to a software application running on the server (The control section 18 of the gateway apparatus 12 controls the operations of different devices in a centralized manner (col. 4, l. 3-34). Sawada also discloses a procedure executed by gateway apparatus 12 when a home device is operated from a terminal on the wide-area network (col. 10 l. 40-67, col. 11 l. 1-25). When an access request is received from a client, an entry of the user-ID and password is prompted. After the user enters the IDs, gateway apparatus 12 sends information of the home device list to the client. This causes the display of the client terminal to show the initial screen as in Fig. 4A (col. 10, l. 46-65) (Fig. 11)).

Art Unit: 2616

Referring to claim 15, Sawada discloses the method of claim 14, wherein the application is customized (in the procedure executed by gateway apparatus 12 when a home device is operated from a terminal on the wide-area network, a home device list is sent to the client in order to display initial screen as shown in Fig. 4A (col. 10 l. 58-65). The home device directory is updated after a device is added and a bus reset is issued (col. 9 l. 49-62)).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sawada in view of Maymudes.

Referring to claim 3, Sawada discloses a video camera 24 connected to a gateway apparatus 12 over an IEEE 1394 bus 36a, 36b. Sawada states that by adding functions to video camera 24, it is possible to remotely tape record TV programs (col. 12, l. 14-18). Sawada does not disclose:

Art Unit: 2616

- an apparatus comprising a video recording device;
- a first interface comprising a video capture device.

Schindler discloses a computer 118 that has been programmed to record television programming onto a VCR 172 over a cable 173 (col. 21 l. 61-64). Schindler also discloses a computer 118 with a camera 156 connected to send NTSC audio/video signals (col. 21 l. 55-57). It would have been obvious to anyone of ordinary skill in the art at the time that the invention was made to modify Sawada to connect a VCR to a home network and to modify the gateway computer terminal 20 to include a camera 156 such as that taught by Schindler in order to allow remote control of a video recording device and remote access to a camera.

6. Claims 6, 7, 9, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawada in view of Maymudes.

Referring to claims 6 and 7, Sawada discloses a video camera 24 connected to a gateway apparatus 12 over an IEEE 1394 bus 36a, 36b. Sawada does not disclose a second interface comprising an IR or RF blaster. Maymudes discloses a computer 202 that controls a controlled device 206 over a network 208 (Fig. 2). Maymudes discloses that network 208 could be a wireless network, including IR or RF (col. 3, l. 24-25). It would have been obvious to anyone of ordinary skill in the art at the time that the invention was made to modify Sawada to include an IR or RF blaster at the gateway apparatus 12 such as that taught by Maymudes in order to allow the connection between the gateway apparatus 12 and network device 20, 24, 34 to be wireless.

Referring to claims 9 and 10, Sawada discloses a CGI script 66 to operate home devices. Sawada does not disclose an application comprising a control script for driving an IR

Art Unit: 2616

blaster or RF transmitter local to the apparatus. Maymudes discloses a home network 208 that could be a wireless network, including IR or RF (col. 3, l. 24-25). It would have been obvious to anyone of ordinary skill in the art at the time that the invention was made to modify Sawada to modify ROM 54 program to include a control script for driving an IR blaster or RF transmitter such as that taught by Maymudes in order to allow the IR blaster or RF transmitter to be controlled by the gateway apparatus 12.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Seong discloses an IEEE 1394 home bus connecting various home devices, including a DVCR and set-top box, to a PC or DTV in a browser-based home network.

Edson discloses an in-home network consisting of a variety of home devices and a home gateway that allows access to the home network from outside of the home.

Hirata discloses a remote control system wherein the user controls a video deck by sending an electronic mail command through a data network, home gateway, and home server to the video deck.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571-272-5968. The examiner can normally be reached on Monday-Friday, 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Van Handel  
Examiner  
Art Unit 2616

MVH

Jason Salce  
*Jason Salce*